

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH CHAMBERLAIN, JR., AS THE
ADMINISTRATOR OF THE ESTATE OF
KENNETH CHAMBERLAIN, SR.,

Plaintiff,

-against-

CITY OF WHITE PLAINS; P.O. ANTHONY
CARELLI; P.O. STEVEN HART; SERGEANT
STEPHEN FOTTRELL; and SERGEANT KEITH
MARTIN,

Defendants.

Docket No.: 12-cv-05142 (CS)

ORDER

WHEREAS on October 26, 2023, the parties entered into a Stipulation of Settlement wherein the City of White Plains agreed to pay the Estate of Kenneth Chamberlain, Sr., represented by Plaintiff Kenneth Chamberlain, Jr., as the administrator of said Estate, the sum of Five Million Dollars (\$5,000,000) in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees;

WHEREAS on October 26, 2023, the Court issued an Indicative Order that stated that if the case was remanded by the Court of Appeals for the Second Circuit, the Court would, pursuant to Local Civil Rule 83.2(b) and the New York Estates, Powers and Trust Law, §5-4.6, approve the fully executed settlement agreement between the parties herein;

WHEREAS, on November 7, 2023, the parties, pursuant to Rule 42 of the Federal Rules of Appellate Procedure, voluntarily dismissed with prejudice the pending appeals;

WHEREAS, on November 7, 2023, the Second Circuit so ordered the voluntary stipulation withdrawing the appeals, and issued the Mandate returning jurisdiction to this Court;

IT IS, THEREFORE, ORDERED BY THE COURT that:

(1) The Court hereby approves the settlement of this matter for the sum of \$5,000,000.00;

(2) The Court approves the payment to Newman Ferrara LLP of the sum of \$1,666,666.67 for attorneys' fees;

(3) The Court approves the payment to Newman Ferrara LLP of the sum of \$114,454.87 for costs and expenses;

(4) The Court also approves the payment to Loeb, Block & Partners LLP, attorneys for plaintiff administrator, as escrow agent, pending application to the Surrogate Court, Westchester County, the sum of \$3,218,878.46;

(5) Upon compliance with the terms of this Order, all claims against all defendants will be dismissed with prejudice.

ENTERED this 21st day of November, 2023



HON. **R.** CATHY SEIBEL
UNITED STATES DISTRICT JUDGE